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U.S. Serial No. 09/804,171

Group Art Unit: 2686

Attorney Docket No. 9044.00

Examiner: Nghi H. Ly

Attached herewith are the following items for the above-identified patent application:

- (1) an Appeal Brief in furtherance to the Notice of Appeal of February 9, 2006 (15 sheet(s)).

Respectfully submitted,

Michael Chan

Reg. No. 33,663

CERTIFICATE OF TRANSMISSION

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dayton, Ohio

Docket No. 9044.00

Application of

Michael Waller et al.

Serial No. 09/804,171

Group Art Unit: 2686

Filed: March 12, 2001

Examiner: Nghi H. Ly

For: **ACCESS TO INFORMATION NETWORKS BY MOBILE DEVICES**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is in furtherance of the Notice of Appeal filed in this case on February 9, 2006. Authorization is given to charge deposit account number 14-0225 for the fee under 37 C.F.R. 1.17 for filing the Appeal Brief.

(1) REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation of Maryland.

(2) RELATED APPEALS AND INTERFERENCES

None.

(3) STATUS OF CLAIMS

The above-identified patent application was filed on March 12, 2001 with claims 1-42. In response to an Office Action mailed on March 22, 2004, claim 14 was canceled, and claims 1, 5, 15, 26, and 27 were amended. In response to a final Office Action mailed on

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December 6, 2004, claims 1 and 26 were amended, and an RCE was subsequently filed. In response to an Office Action mailed on June 2, 2005, claims 1, 2, 26, and 27 were amended. In response to a final Office Action mailed on November 9, 2005, a Notice of Appeal was filed on February 9, 2006. Thus, claims 1-13 and 15-42 stand rejected.

Claims 1-13 and 15-42 re being appealed and are attached as an appendix to this Appeal Brief.

(4) STATUS OF AMENDMENTS

No amendments were filed subsequent to the last final rejection.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

A method of accessing information on an information network accessible by a mobile communications device 12 (see page 6, lines 11-16; page 6, lines 24-29), the method comprising:

determining a location of the device (see page 6, lines 17-19);

determining an orientation of the device (see page 6, lines 19-23; page 10, lines 13-27);

supplying visual information to a user appropriate to the location and orientation of the device from a collection of information stored on the information network, various elements of the collection of information being associated with specific locations (see page 6, line 24 to page 7, line 11);

monitoring the location of the device as the location of the device changes (see page 7, lines 12-18); and

automatically retrieving and displaying new visual information to the user as the location and orientation of the device change so that new elements of the collection of

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information associated with locations in proximity to the location of the device are supplied to the user as the location and orientation of the device change (see page 9, lines 22-28).

Independent Claim 26

A mobile communications device 12 for accessing information on an information network, the device comprising:

means for determining a location of the device, the means for determining the location of the device being operative to update the determination of the location of the device as the location of the device changes (see page 6, lines 17-19; page 7, lines 12-18);

means for determining an orientation of the device (see page 6, lines 19-23; page 10, lines 13-27); and

means for supplying visual information to a user appropriate to the location and orientation of the device from a collection of information stored on the information network, various elements of the collection of information being associated with specific locations, the means for supplying visual information to the user being operative to automatically retrieve and display new visual information to the user as the location and orientation of the device change so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location and orientation of the device change (see page 6, line 24 to page 7, line 11; page 9, lines 22-28).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

An issue presented for review is whether each of claims 1-13 and 15-42 is patentable under 35 U.S.C. Section 103(a) over U.S. Patent No. 6,381,465 to Chern et al. (referred to herein as "Chern") in view of U.S. Patent No. 6,668,353 to Yurkovic and further in view of U.S. Patent No. 6,233,094 to Tsuda.

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(7) ARGUMENT

Applicant would like to respectfully point out that the rejection of claims 1-13 and 15-42 of the present application under 35 U.S.C. Section 103(a) is improper for reasons explained hereinbelow.

Claims 1-13 and 15-42

Neither Chern, Yurkovic, Tsuda, nor a combination thereof teaches or makes obvious the limitations recited in each of claims 1-13 and 15-42 of the present application. Chern teaches the answering of user queries and the providing of alerts and information to a user through a device. The answering of queries and the providing of alerts may involve knowledge of the location of the device, but the location of the device is used as a reference point, and the information supplied relates to a range of locations within a relatively wide radius of the device. For example, Chern teaches that the device may respond to user queries about points of interest within a distance from the device, to provide driving directions or to provide traffic alert information or route recalculation in response to traffic conditions along a route to a user's destination, with information relating to a user's location being taken into account in triggering alerts or route recalculation. In addition, Chern teaches attachment of advertisements to alert messages transmitted to a user. The content of the advertisements may take a user's location into account.

None of these uses of location information, or other uses of location information taught by Chern, however, achieves determining a location and orientation of a device and automatically retrieving and displaying new visual information to a user as the location and orientation of the device changes so that new elements of a collection of information associated with locations in proximity to the location of the device are supplied to the user as the location of the device changes. Chern typically uses location information for a user to define a focal point of an area of interest, and supplies information relating to objects, events or conditions within that area of interest. For example, Chern may supply information relating to restaurants within five miles of a user's location, or relating to traffic obstructions within 20 miles ahead of the user along the user's chosen route. Chern does not monitor the

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location of a device so as to provide new information elements associated with locations in proximity to the location of the device, as in the claims of the present application.

Adding Yurkovic to Chern does not overcome Chern's deficiencies. Yurkovic teaches a space/time portal for a computer system comprising a set of information requests used to gather various types of information to present a user with information relevant to a specified location, a specified time, or both. Yurkovic may automatically monitor the location of the device and modify the information displayed as the location of the device changes. However, neither Chern nor Yurkovic teaches or makes obvious determining an orientation of a device and displaying information appropriate to a location and orientation of the device.

Applicant notes that the Examiner contends that Tsuda teaches determining an orientation of a device and supplying information in accordance with that orientation. However, the Applicant maintains that Tsuda does not teach determining an orientation of a device and providing information in accordance with that orientation. At col. 8, lines 32-45, Tsuda describes determining locations of each of two optical instruments and providing information useful for positioning one optical instrument so as to bring the other optical instrument into view. This information does not depend on the orientation of either optical instrument. An optical instrument may be positioned 1 mile from another optical instrument and at a bearing 30 degrees west and an elevation of 15 degrees from the other optical instrument, but this information depends on the position of each optical instrument, not on the orientation of either. An optical instrument may be rotated through 360 degrees and its distance, bearing and other position data with respect to the other binocular will not change.

Applicant would like to point out that page 7, lines 10-11 of the specification of the present application relates to an embodiment of the present invention. A device 12 may incorporate an embodiment of the present invention, allowing for a mobile "point and push facility." That is, a user orients the device toward an object of interest and pushes a button or switch or otherwise provides some indication that information is desired in accordance with the position and orientation of the device. Such a facility is not taught or made obvious by Tsuda. Accordingly, each of claims 1-13 and 15-42 of the present application patentably


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defines over the cited art (Chern and Yurkovic) and over a combination of Tsuda with the cited art and, therefore, should be allowable.

Conclusion

In view of the forgoing reasons, it is clear that the rejection of claims 1-13 and 15-42 under 35 U.S.C. Section 103(a) is improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 1-13 and 15-42.

Respectfully submitted,



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(8) CLAIMS APPENDIX

1. (previously presented) A method of accessing information on an information network accessible by a mobile communications device, the method comprising:

- determining a location of the device;
- determining an orientation of the device;
- supplying visual information to a user appropriate to the location and orientation of the device from a collection of information stored on the information network, various elements of the collection of information being associated with specific locations;
- monitoring the location of the device as the location of the device changes;

and

automatically retrieving and displaying new visual information to the user as the location and orientation of the device change so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location and orientation of the device change.

2. (previously presented) The method of Claim 1, wherein determination of the orientation of the device includes determination of a geographic orientation of the device.

3. (original) The method of Claim 2, wherein the orientation is determined about a vertical axis.

4. (original) The method of Claim 3, wherein the orientation about a vertical axis comprises a compass bearing.

5. (original) The method of Claim 2, wherein the location of the device is determined by a GPS or by triangulation from terrestrial transmitters.

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6. (original) The method of Claim 5, wherein location and/or orientation of the device is further determined by measuring acceleration of the device.

7. (original) The method of Claim 5, wherein orientation of the device is further determined about a horizontal axis.

8. (original) The method of Claim 1, wherein the device determines its own location and/or orientation, or is programmed accordingly by the user or by the network, and tailors information requested from the network accordingly.

9. (original) The method of Claim 8, wherein the device looks up stored addresses of information resources, selects resource addresses appropriate to the location and/or orientation of the device, and requests access via the network to information resources at the selected addresses.

10. (original) The method of Claim 9, wherein the location of the device is determined independently of the device and wherein the network supplies to the device information held at selected resource addresses appropriate to the location of the device.

11. (original) The method of Claim 1, wherein the device stores information supplied by the network and in accordance with the orientation of the device, selects information from that stored information and supplies the selected stored information to the user.

12. (original) The method of Claim 1, further comprising grouping information on the network into channels relating to respective user requirements at a location and selecting among those channels to supply information in accordance with the respective user requirement at that location.

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13. (original) The method of Claim 1, further comprising supplying audio information to the user.

14. (canceled)

15. (previously presented) The method of Claim 1, wherein the user views a subject such as a building, an object or an attraction and simultaneously receives information relating to the subject from the device.

16. (original) The method of Claim 15, wherein the subject is viewed simultaneously with a display of the device that supplies information relating to the subject.

17. (original) The method of Claim 16, wherein the subject is viewed through the display.

18. (original) The method of Claim 17, wherein the display overlays information upon the image of the subject viewed through the display.

19. (original) The method of Claim 18, wherein the subject is the physical environment visible through the display and wherein the information relating to the subject is a virtual object apparently placed in or otherwise associated with the physical environment at the location of the device.

20. (original) The method of Claim 19, wherein the virtual object is a virtual terminal for the provision of a service or information, such as an ATM.

21. (original) The method of Claim 20, wherein the virtual object is a marker that can be activated to access an information deposit.

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22. (original) The method of Claim 21, wherein the deposited information is uploaded from a mobile communications device to the network.

23. (original) The method of Claim 22, wherein the deposited information is uploaded by another user.

24. (original) The method of Claim 1, wherein the supplied information comprises an advertisement.

25. (original) The method of Claim 1, wherein the network comprises the Internet or an intranet, and wherein the information is held at URLs being the addresses of information resources on the network.

26. (previously presented) A mobile communications device for accessing information on an information network, the device comprising:

means for determining a location of the device, the means for determining the location of the device being operative to update the determination of the location of the device as the location of the device changes;

means for determining an orientation of the device; and

means for supplying visual information to a user appropriate to the location and orientation of the device from a collection of information stored on the information network, various elements of the collection of information being associated with specific locations, the means for supplying visual information to the user being operative to automatically retrieve and display new visual information to the user as the location and orientation of the device change so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location and orientation of the device change.

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27. (previously presented) The device of Claim 26, wherein the means for determining orientation of the device includes means for determining a geographic orientation of the device.

28. (original) The device of Claim 27, wherein the means for determining location of the device includes means for cooperating with a GPS or a triangulation of terrestrial transmitters to determine location of the device.

29. (original) The device of Claim 27, wherein the means for determining orientation of the device includes means for determining orientation of the device about a vertical axis.

30. (original) The device of Claim 29, further comprising an electronic compass.

31. (original) The device of Claim 27, wherein the means for determining orientation of the device includes means for determining orientation of the device about a horizontal axis.

32. (original) The device of Claim 27, wherein the means for determining location of the device and/or means for determining orientation of the device includes means for measuring acceleration of the device.

33. (original) The device of Claim 27, wherein the location and/or orientation of the device is determined either internally or by programming by the user or by the network, and information requested from the network is tailored accordingly.

34. (original) The device of Claim 33, further comprising a stored look-up table of addresses of information resources, means for selecting from the look-up table

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resource addresses appropriate to the location and/or orientation of the device, and means for requesting access via the network to information resources at the selected addresses.

35. (original) The device of Claim 34, further comprising means for receiving and storing information from the network held at selected resource addresses appropriate to the location of the device.

36. (original) The device of Claim 26, further comprising memory means for storing information supplied by the network and selection means responsive to the orientation of the device to select information from the stored information for supply to the user.

37. (original) The device of Claim 26, further comprising means for selecting among channels that group information on the network according to respective user requirements at a location, and means for supplying information from the selected channel to the user.

38. (original) The device of Claim 26, further comprising a display through which a subject can be viewed.

39. (original) The device of Claim 38, wherein the display includes means for overlaying information upon the image of the subject viewed through the display.

40. (original) The device of Claim 38, wherein the display includes means for displaying information in the form of a virtual object apparently placed in or otherwise associated with the subject being the physical environment at the location of the device.

41. (original) The device of Claim 40, further comprising means for accessing a deposit of information marked by the virtual object.

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42. (original) The device of Claim 41, further comprising means for uploading the deposited information to the network.

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(9) EVIDENCE APPENDIX

None.

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(10) RELATED PROCEEDINGS APPENDIX

None.